

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER JAMES,

Petitioner,

No. CIV S-04-1574 FCD PAN P

vs.

J. SOLIS, Warden,

Respondent.

ORDER

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner paid the filing fee.

On September 21, 2005, the district court granted respondent's motion to dismiss petitioner's third claim for relief for failure to exhaust available state remedies, denied petitioner's motion to stay pending exhaustion of that claim, and granted petitioner's alternative motion to delete the third claim for relief. This action therefore proceeds on petitioner's first and second claims for relief. Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondent will be directed to answer those two claims.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Within 45 days from the date of this order, respondent shall file and serve an answer to the first and second claims for relief in the petition for writ of habeas filed in this court

1 on August 5, 2004.<sup>1</sup> See Rule 4, Rules Governing Section 2254 Cases. Respondent shall include  
2 with the answer any and all transcripts or other documents relevant to the determination of the  
3 issues presented in the application. Rule 5, Rules Governing Section 2254 Cases; and

4 2. Petitioner's reply, if any, is due on or before 30 days from the date  
5 respondent's answer is filed.

6 DATED: May 11, 2006.

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9 UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> The action was transferred to this court from the United States District Court for the  
Northern District of California and filed herein on that date.